

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

NORMAN T. HOLTON,

Plaintiff,

-vs-

Case No. 8:23-cv-2132-CEH-AEP

TORRE FORD, *et al.*,

Defendants.

_____/

ORDER

This matter is before the Court upon a *sua sponte* review of the file. On September 21, 2023, Plaintiff, a Florida pre-trial detainee, filed a civil rights violation complaint (Doc. 1) in which he alleges Defendants used excessive force against him. Plaintiff, however, filed a complaint in this Court on August 9, 2023, in which he alleged the same claim against the same Defendants. *See Holton v. Ford, et al.*, Case No. 8:23-cv-1791-CEH-SPF.¹

Plaintiff may not simultaneously litigate duplicative actions in two separate cases in this Court. Therefore, because Plaintiff first filed his complaint in Case No. 8:23-cv-1791-CEH-SPF, the complaint in this case will be dismissed. *See Curtis v. Citibank, N.A.*, 226 F.3d 133, 138-39 (2d Cir. 2000) (where actions are identical “simple dismissal of the second suit is [a] common disposition because plaintiffs have no right

¹ The Court is currently screening both the complaint and Plaintiff’s motion to proceed *in forma pauperis*.

to maintain two actions on the same subject in the same court, against the same defendant at the same time”).

Accordingly, this case is **DISMISSED** without prejudice to Plaintiff pursuing his claims in Case No. 8:23-cv-1791-CEH-SPF. The Clerk is directed to close this case.

ORDERED in Tampa, Florida, on September 25, 2023.


Charlene Edwards Honeywell
United States District Judge

Copy to: Plaintiff *pro se*